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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,884	04/09/2004	Carl-Julius Cronenberg	A-9000	9262

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EXAMINER

REDMAN, JERRY E

ART UNIT	PAPER NUMBER
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3634

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/21/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/820,884

Applicant(s)

CRONENBERG ET AL.

Examiner

Jerry Redman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/6/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-3 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/9/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

The applicant's information disclosure statement dated 4/9/2004 has been considered and a copy has been placed in the file.

Applicant's election with traverse of Group II in the reply filed on 10/6/2006 is acknowledged. The traversal is on the ground(s) that the claimed apparatus has no ability to measure any distance, including any distance the distance in which the door must travel to contact the floor. This is not found persuasive because the applicant clearly discloses more than one invention and the proposed method of installing an adjustable door seal in the restriction dated 9/14/2006 clearly discloses another method of providing an adjustable door seal similar to that of the applicant's invention.

The requirement is still deemed proper and is therefore made FINAL.

Claims 1-3 are hereby withdrawn from consideration and claims 4-20 are herein addressed below.

Claims 4-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There is a lack of antecedent basis for the following: In claim 4, lines 1-2, "the hinge side", lines 2-3, "the linear displacement", line 4, "the projection", line 5, "the door leaf", lines 6-7, "the event", line 12, "the adjusted position", line 13, "the door"; In claim 7, line 4, "the end" and "the wall"; In claim 10, line 3, "the

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longitudinal direction”; In claim 11, line 3, “the circumference”; In claim 13, lines 2-3, “the respective axial displacement position”; In claim 15, lines 1-2, “the axial extent”, line 3, “the event”; In claim 18, lines 4-5, “the proportion”, line 5, “the area”, lines 5-6, “the opposing pressure increase”; In claim 19, line 2, “the region”, lines 3-4, “the triggering mechanism”, line 4, “the interior”, lines 4-5, “the housing”; and In claim 20, line 4, “the ability”. In claim 4, line 2, the phraseology “and/or” is indefinite and fails to positively claim the invention. Throughout the claims, the applicant recites “at least one trigger”, then recites “the trigger”, then recites, “the at least one trigger”. With respect to the elements, consistency should be maintained throughout all of the claims. For example, if the applicant recites “at least one trigger”, then recites “the trigger”, then the applicant should maintain the element as “the trigger” instead of flip-flopping between “the trigger” and “the at least one trigger”. In claim 4, line 6, the phraseology “in such a way” is indefinite and fails to positively recite the claimed invention. In claim 4, line 7, the phraseology “a floor contact pressure of the seal profile that exceeds a reference value occurring” is not readily understood by the Examiner. In claim 5, lines 3-4, the phraseology “the trigger jumps over at least one thread during the self-adjustment” is not readily understood by the Examiner. In claim 6, line 2, it appears that “permit” should be –permits--. In claim 7, line 3, the phraseology “preferably” is indefinite and fails to positively recite the claimed invention. In claim 8, lines 2-3, the phraseology “the at least one trigger accommodates a plurality of elastic elements” is not readily understood by the Examiner. Specifically, how does the trigger “accommodate a plurality of elastic elements”? In claim 10, line 4, specifically who is “their” referring to?

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In claim 11, line 2, the phraseology "it" is not readily understood by the Examiner.

Specifically, what is meant by "it"? In claim 11, line 4, the phraseology "ring-like" is

indefinite and fails to positively recite the claimed invention. Is it a ring or not? In claim

13, lines 2-3, the phraseology "grooves or profiling or fluting" is indefinite and fails to

positively recite the claimed invention. Exactly what is the applicant trying to claim? In

claim 13, lines 3-4, the phraseology "the respective axial displacement position" is not

readily understood by the Examiner. In claim 14, lines 4-5, the phraseology "the

reference value of the floor contact pressure of the seal is exceeded" is not readily

understood by the Examiner. In claims 16 and 17, line 2, the phraseology "or the like" is

indefinite and fails to positively recite the claimed invention. In claim 19, line 3, the

phraseology "and/or" is indefinite and fails to positively recite the claimed invention.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

As best understood, claims 4, 5, and 10-20 are further rejected under 35 U.S.C. 102(b) as being anticipated by Ohi (4,805,345). Ohi (4,805,345) discloses a sealing device (10) comprising at least one trigger (31) on a side of a door (11), a rail (12) is lower into a sealing position with a floor (13) upon axial displacement of the trigger (31), a threaded rod (30) houses the trigger (31) at one end, a spring holding

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means (32) biases the trigger, and the trigger (31) having a slot at one end for adjustment.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:


(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

As best understood, claims 6-9 are further rejected under 35 U.S.C. 103(a) as being unpatentable over Ohi (4,805,345) in view of German patent No. 394526 to Hahn. All of the elements of the instant invention are discussed in detail above except providing radial expansion/elastic elements/rubber threads. German patent No. 394526 to Hahn et al. disclose a sealing device having a trigger element formed of plastic. The plastic threads allows for deformation, expansion, and contraction. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the trigger of Ohi ('345) to be formed of plastic as taught by German patent No. 394526 to Hahn since plastic provides less rigidity between the threaded rod and the trigger thereby allowing for tolerances as well as preventing the trigger from scratching the surface of the door jamb.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. patents to Comaglio et al., Cronenberg et al., Reese, Lapinski et al., Sward, Marcotte, and Coonradt disclose door seal devices having plungers and operating mechanisms similar to that of the applicant's invention.

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Any inquiry concerning this communication should be directed to Jerry Redman at telephone number 571-272-6835.



Jerry Redman
Primary Examiner